

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**IN RE SWISHER HYGIENE, INC.
SECURITIES AND DERIVATIVE
LITIGATION**

)
) MDL DOCKET NO. 3:12-MD-2384-GCM
)
)
)

TOM BORTHWICK,

Plaintiff,

)
)
) MEMBER CASE DOCKET NO.: 3:13-cv-449-
) GCM
)
)

v.

STEVEN R. BERRARD, et al.,

Defendants,

and

SWISHER HYGIENE, INC.,

Nominal Defendant.

**ORDER DISMISSING
VERIFIED SHAREHOLDER DERIVATIVE COMPLAINT**

In reference to the parties' Stipulation of Dismissal filed December 10, 2014 (Doc. No. 114), **IT IS ORDERED** that the Borthwick Action is dismissed and all claims asserted against all defendants therein are dismissed with prejudice as to Borthwick. Swisher's Motion to Dismiss (Doc. No. 112) is terminated as **MOOT**.

SO ORDERED.

Signed: December 11, 2014



Graham C. Mullen
United States District Judge

